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S E C R E T GENEVA 000857

SIPDIS

DEPT FOR T, VCI AND EUR/PRA  
DOE FOR NNSA/NA-24  
CIA FOR WINPAC  
JCS FOR J5/DDGSA  
SECDEF FOR OSD(P)/STRATCAP  
NAVY FOR CNO-N5JA AND DIRSSP  
AIRFORCE FOR HQ USAF/ASX AND ASXP  
DTRA FOR OP-OS OP-OSA AND DIRECTOR  
NSC FOR LOOK  
DIA FOR LEA

E.O. 12958: DECL: 09/21/2019

TAGS: [KACT](#) [MARR](#) [PARM](#) [PREL](#) [RS](#) [US](#) [START](#)

SUBJECT: START FOLLOW-ON NEGOTIATIONS, GENEVA (SFO-GVA-V):  
(U) U.S.-PROPOSED JOINT DRAFT TEXT PROTOCOL SECTION VI,  
BILATERAL CONSULTATIVE COMMISSION

Classified By: A/S Rose E. Gottemoeller, United States  
START Negotiator. Reasons: 1.4(b) and (d).

¶1. (U) This is SFO-GVA-V-042.

¶2. (S) The text at paragraph 3 is the U.S.-proposed text for Protocol on the Bilateral Consultative Commission for the draft START Follow-on Treaty. The text was provided to the Russian delegation in Geneva on September 30, 2009.

¶3. (S) Begin text:

SFO-V  
U.S. Proposed  
Joint Draft Text  
September 30, 2009

((PROTOCOL ON THE BILATERAL CONSULTATIVE COMMISSION RELATING TO THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE RUSSIAN FEDERATION ON MEASURES FOR THE FURTHER REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS))1

((Section VI  
BILATERAL CONSULTATIVE COMMISSION))2

((Pursuant to and in implementation of the Treaty Between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, hereinafter referred to as the Treaty, the Parties hereby agree upon provisions governing))1  
((These provisions shall govern))2 the operation of the Bilateral Consultative Commission, hereinafter referred to as the Commission, established pursuant to Article XII((I))1 of

((the))1 ((this))2 Treaty.

((I. Composition of the Commission))1

11. ((Each Party shall communicate to the other Party the names of its designated Commissioner and Deputy Commissioner to the Commission.))1 The Parties shall communicate to each other ((through diplomatic channels))2 the names of the ((initially))1 designated Commissioner and Deputy Commissioner to the Commission no later than 30 days after ((signature))1 ((entry into force))2 of the Treaty.

((2.))1 Each Party shall have the right to be represented ((at a session of))1 ((in))2 the Commission by its Commissioner and Deputy Commissioner as well as by their alternates, and by members, advisors, and experts. A session of the Commission may be convened without the participation of the Commissioner and Deputy Commissioner. In such a case, any other individual provided for in this paragraph may be the head representative of a Party to a session of the Commission.

((3.))1 ((6.))2 The ((head representatives))1 ((Commissioners))2 of the Parties shall alternately preside over meetings during a session of the Commission, unless otherwise agreed ((during a session))1.

((4.))1 The Commission shall have the right to constitute working groups ((consisting))1 ((which may consist))2 of any of the individuals provided for in paragraph ((2))1 ((1))2 of this Section for the consideration of specific questions

raised ((in the Commission))1 ((during a session))2.

((II. Convening a Session of the Commission))1

((2.))2 ((No fewer than two sessions of the Commission shall be held each year.))2 ((1.))1 A session of the Commission shall be convened at the request of either Party. ((No later than 15 days after receiving such a request, the requested Party shall submit a response.))1 ((Requests and responses))1 ((The request))2 shall include ((the following))1: ((a))1 the questions that the Party intends to raise, ((b) the name of the head representative of the Party;))1 and ((c))1 the ((proposed, accepted or alternate))1 date ((for convening the session))2 and ((the))2 location ((for the convening of the session))1 ((it will be held))2. ((In its response, which shall be provided no later than 15 days following receipt of the request, the Party that received the request to hold a session may express its consent to the proposals received or raise additional questions, and propose an alternate location and date for convening the session, which shall be convened no later than 45 days following the initially proposed date.))2 ((Each Party may also submit additional questions to the other Party in the period from the submission of the initial response to the initial request until the convening of the session.))1

((2. A session of the Commission shall be convened not later than 45 days after the date proposed in the request provided for in subparagraph 1(c) of this Section.))1

((3.))1 ((5))2 ((A session))1 ((Sessions))2 of the Commission shall be convened in Geneva, Switzerland, ((or, as appropriate, in another place agreed by the Parties))1 ((unless otherwise agreed.))2 ((A session of the Commission shall remain in session for no more than 15 days, unless otherwise agreed.))1 ((As a rule, a session of the Commission shall last no longer than 15 days unless otherwise agreed))2.

((4. In accordance with Article XII of the Treaty, the Parties shall have the right to consider questions concerning fulfillment of the obligations assumed and related situations, which may be considered ambiguous; to agree, if necessary, upon additional procedures for providing

notifications, converting and eliminating strategic offensive arms, and conducting inspections and visits; and to work out measures that may be necessary for improving the viability and effectiveness of the Treaty.))2

((4.))1 ((10))2 The Commissioner((s))2 ((or Deputy Commissioner))1 of ((each of))1 the Parties ((may))1 ((shall))2 ((, without the convening of a session of the Commission,))1 communicate with ((the Commissioner of the other Party))1 ((each other))2 ((in order to clarify any unclear situations or to resolve questions))1 ((during the intersessional period concerning questions that are related to the competency of the Commission))2.

((III. Convening a Special Session of the Commission))1

((1. A special session of the Commission shall be convened at the request of either Party to address what the requesting

Party considers to be an urgent concern relating to compliance of the other Party with the obligations assumed under the Treaty Such a request shall include, at a minimum, the following:

(a) the nature of the concern, including the kind and, if applicable, the type of strategic offensive arms related to the concern;

(b) the name of the head representative of the Party; and

(c) the proposed date and location for the convening of the special session.

The requesting Party may also propose in the request a specific method for resolving the concern. Such a method may include, but is not limited to, a visit with special right of access to the facility or location where, in the opinion of the requesting Party, the activity that caused the concern took place.

12. No later than seven days after receiving such a request, the requested Party shall submit a response. Such a response shall include either:

(a) acceptance of the proposed date and location for the convening of the special session; or

(b) a proposal for an alternate date and location for the convening of the special session. The alternate date shall be no later than ten days after the date proposed by the requesting Party.

13. The response of the requested Party may also include:

(a) acceptance of the proposed specific method for resolving the concern, including, if a visit with special right of access is planned, the proposed date, location, and procedures for such a visit; or

(b) a proposal for a specific method for resolving the concern, including, if a visit with special right of access is planned, the proposed date, location, and procedures for such a visit.

If the Parties agree to a visit with special right of access or another method for resolving the concern, the Parties may agree not to convene the special session. Visits with special right of access may be conducted in accordance with the provisions of the Inspection Protocol, as applicable.

14. Either Party may request additional information related to the concern. A response to such a request shall be submitted no later than seven days after receipt of the request, but shall not affect the time for convening the special session of the Commission, if such a session is held.

15. A special session of the Commission shall remain in

session for no more than 30 days.))1

((IV. Agenda))1

((1.))1 ((3.))2 The agenda for a session of the Commission

shall consist of those questions that the Parties have included in the communications provided to each other in accordance with paragraph ((1))1 ((2))2 of ((this))2 Section ((II of this Protocol))1.

((2.))1 Each Party shall have the right to raise in the Commission questions that arise ((immediately preceding or))1 during a session of the Commission; provided ((, however,))1 that ((for))2 consideration of such questions during the current session ((shall be subject to agreement of the Parties))1 ((agreement of the other Party shall be required.))2 ((In case of such agreement, the Parties shall allow sufficient time prior to consideration of such questions for preparation and any changes in the composition of their delegations that are required.))1 The Parties shall ((also))1 have the right ((during the current session))2 to agree on the ((starting))2 date, length and location of the next session of the Commission and on the questions that the Parties intend to raise at that session.

((3. Sessions of the Commission shall be convened irrespective of the number of questions on the agenda.))1

((V. Work of the Commission))1

((7.))2 The work of the Commission shall be confidential, except as otherwise agreed by the Commission. The Commission may record agreements or the results of its work in an appropriate document ((, which shall be done in two originals, each in the English and Russian languages, both texts being equally authentic))1. Such documents shall not be confidential, except as otherwise agreed by the Commission.

((VI. Costs))1

((9.))2 Each Party shall bear the cost of its participation in the work of the Commission.

((VII. Communications))1

((8.))2 Communications pursuant to this ((Protocol))1 ((Section))2 ((, with the exception of paragraph 1 of this Section,))2 ((shall be provided through diplomatic channels; or))1 shall be provided through the Nuclear Risk Reduction Center((s))2 ((of the United States of America, and the Nuclear Risk Reduction Center of the Russian Federation))1.

((VIII. Additional Procedures and Provisional Application))1

((1. The Parties shall have the right to agree upon additional procedures governing the operation of the Commission.

12. The provisions of Article XIII of the Treaty and the provisions of this Protocol shall apply provisionally from the date of signature of the Treaty for a 12 month period, unless, before the expiration of this period:

(a) a Party communicates to the other Party its decision to terminate the provisional application of the provisions of Article XIII of the Treaty and the provisions of this Protocol; or

(b) the Treaty enters into force.

The Parties may agree to extend the provisional application for additional periods, subject to the same conditions specified in subparagraphs (a) and (b) of this paragraph.

13. The provisions of Article XIII of the Treaty and the

provisions of this Protocol shall apply provisionally in light of and in conformity with the other provisions of the Treaty.))1

((This Protocol is an integral part of the Treaty and shall enter into force on the date of entry into force of the Treaty and shall remain in force so long as the Treaty remains in force. As provided for in subparagraph (b) of Article XIII of the Treaty, the Parties may agree upon such additional measures as may be necessary to improve the viability and effectiveness of the Treaty. The Parties agree that, if it becomes necessary to make changes in this Protocol that do not affect substantive rights or obligations under the Treaty, they shall use the Commission to reach agreement on such changes, without resorting to the procedure for making amendments set forth in Article XVI of the Treaty.))1

((Done at ( ) on , in two originals, each in the English and Russian languages, both texts being equally authentic.))1

((FOR THE UNITED STATES OF AMERICA:

FOR THE RUSSIAN FEDERATION:))1

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(( ))1 Proposed by the United States  
(( ))2 Proposed by the Russian Federation  
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End text.

14. (U) Gottemoeller sends.  
RICHTER